

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FRANCISCO GARCIA,

Plaintiff

VS.

UNITED STATES OF AMERICA

Defendant



C.A. NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff FRANCISCO GARCIA (“Plaintiff”), who files this, his Original Complaint against the UNITED STATES OF AMERICA, by and through its agency the DRUG ENFORCEMENT AGENCY (the “DEA”), and for cause of action would respectfully show unto the Court the following:

I. JURISDICTION AND VENUE

1. This is a negligence action arising from a motor vehicle accident that occurred on November 3, 2020, in Harris County, Texas, involving Plaintiff and Agent Darell Sobin, an employee of the United States Drug Enforcement Agency. Plaintiff sues based on the Federal Tort Claims Act.
2. The District Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1346(b).
3. Venue is proper before this Court under 28 U.S.C. § 1391(a)(2), because a substantial part of the events giving rise to this claim occurred in Harris County, Texas.

4. On June 14, 2022, Plaintiff Francisco Garcia served his administrative claim on the DEA by virtue of service of Standard Claim Form 95 on the United States of America (by and through the Drug Enforcement Agency). On August 12, 2022, this claim was rejected.

II. PARTIES

5. Plaintiff Francisco Garcia is an individual who resides in Houston, Texas. He may be served through undersigned counsel. Mr. Garcia brings this negligence action on behalf of himself.

6. Defendant, the United States of America, by and through its agency, the Drug Enforcement Administration, operated at all relevant times a law enforcement agency concerned and/or charged with the enforcement of drug-related laws and related matters in the United States of America.

III. FACTS

7. On or about November 3, 2020, Francisco Garcia was traveling southbound at approximately the 500 block of Elgin Street in Houston, Texas. At the same time, Agent Darrell Sobin, who at the time was acting in the course and scope of his employment with the DEA, was traveling eastbound at an excessive rate of speed on Smith Street when he failed to stop at a red stop light causing his vehicle to collide with Mr. Garcia's vehicle. Mr. Garcia sustained serious personal injuries and property damage as a result of the accident forming the basis of this lawsuit

IV. CAUSE OF ACTION - NEGLIGENCE

8. Plaintiff incorporates the above paragraphs.

9. This action is brought by Plaintiff pursuant to the Federal Tort Claims Act.

10. Defendant DARRELL SOBIN was negligent in his actions and/or omissions in operating a motor vehicle while acting in the course and scope of his employment with the

United States DEA. Specifically, Defendant was negligent in, but not limited to, the following manners:

- a. Failing to stop at a red light traffic signal;
- b. Failing to take proper evasive action;
- c. Failing to apply the appropriate brakes to the vehicle he was driving;
- d. Failing to avoid the accident;
- e. Failing to maintain proper lookout; and
- f. Failing to operate vehicle in a reasonably attentive and prudent manner;

11. Agent Sobin's acts and/or omissions constitute a failure to use due care as described above. Agent Sobin's failure to use care was a proximate and producing cause of Plaintiff's injuries and damages as described more thoroughly herein. The United States of America is therefore liable to Plaintiff for his personal injuries and damages sustained as a direct result of Defendant's negligence.

12. Defendant, the United States of America, is legally responsible to Plaintiff for the negligent driving of Agent Darrell Sobin pursuant to **28 U.S.C. § 1346**. At all times material times hereto, Agent Sobin was an employee of the U.S. Drug Enforcement Agency and was acting within the course and scope of such employment at all times relevant to this matter. As a result thereof, the United States of America is responsible for the negligence of Defendant Darrell Sobin.

13. As a direct and proximate result of Agent Sobin's negligent driving, Plaintiff Francisco Garcia has suffered damages and continues to suffer damages.

IV. PLAINTIFF'S DAMAGES

14. Plaintiff incorporates the above numbered paragraphs.

15. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff sustained severe bodily injuries, and the following damages:

- a. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of his injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Harris County, Texas;
- b. Reasonable and necessary medical care and expenses, which will in all reasonable probability be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering in the future;
- e. Mental anguish in the past;
- f. Mental anguish in the future;
- g. Disfigurement;
- h. Property Damage; and
- i. Loss of past wages and future wages.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff Francisco Garcia respectfully prays that upon the trial of this matter that judgment be entered for Plaintiff against the United States of America in an amount within the jurisdictional limits of the Court, post-judgment interest at the legal rate, costs of court, and such other and further relief to which Plaintiff may be entitled at law or in equity.

Respectfully submitted,



By: /s/Kevin J. Connolly

Kevin J. Connolly

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